

### **REMARKS**

This is in response to the outstanding Final Office Action dated November 24, 2008. Claims 1 – 13 are currently pending in this application.

#### **Claim Rejections Under 35 U.S.C. § 102**

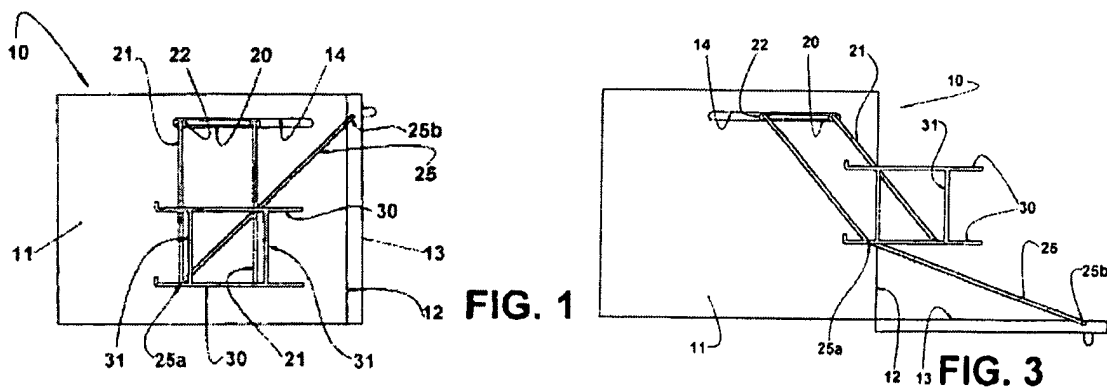
Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,987,363 to Morse ("*Morse*"). Applicants respectfully traverse.

Applicants submit that in order for a reference to anticipate a claim, the reference must disclose each and every limitation of the claimed invention. *Dana Corp. v. Am. Axle & Mfg., Inc.*, 61 USPQ 2d 1609 (Fed. Cir. 2002).

Claim 1 recites an oven with a shelf arrangement comprising:

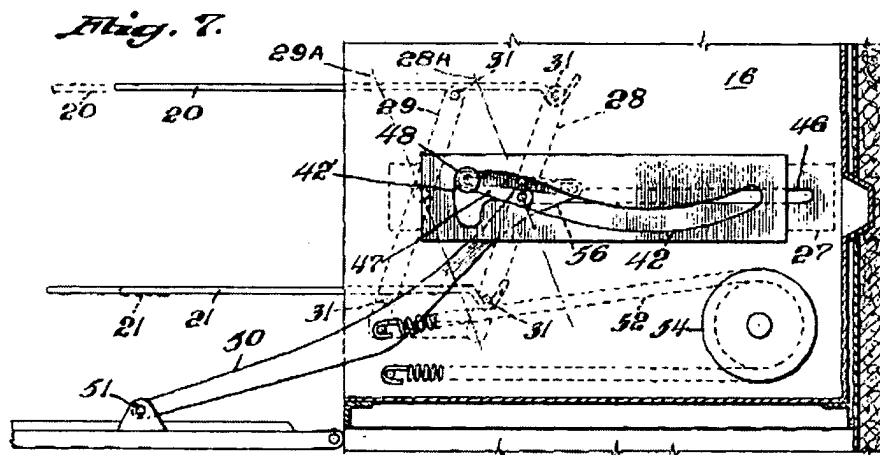
[A] pair of rails being provided on each of the lateral walls of the oven and on which respective mutually spaced portions of each corresponding side of the at least one shelf are slidably seated in order to be manually displaceable between an operative position, in which the at least one shelf is retracted in an interior of the oven, and a parallel loading position, in which the at least one shelf is elevated and outwardly displaced in relation to the operative position.

Thus, claim 1 recites that the at least one shelf is both elevated and outwardly displaced in relation to the operative position. Figures 1 and 3 are provided below to illustrate one possible example of such a displacement.



*Morse* discloses a cooking oven and a mechanism for “automatically extending the shelves of the cooking oven” (*Morse*, col.1, lines 6-13). When the door is initially opened the top shelf will be advanced ahead of the bottom shelf (*Morse*, col. 3, lines 45-47). As the door moves to a further open position...the bottom shelf is then advanced ahead of the top shelf (*Morse*, col. 3, lines 51-55). Thus, *Morse* discloses a method of extending the bottom and top shelves horizontally upon the opening of the oven door.

Furthermore, as seen in Figure 7 of *Morse*, the movement of the shelves is in a strictly horizontal manner. As evident from the figure, the dashed lines indicate that the motion of upper shelf 20 and lower shelf 21 is not elevated.



Thus, *Morse* does not disclose that at least one shelf is elevated as recited in claim 1. Accordingly, because the prior art does not disclose each and every limitation of the claimed invention, Applicants respectfully request that the rejections of claims 1-13 under 35 U.S.C. § 102(e) be withdrawn.

**CONCLUSION**

It is respectfully submitted that each of the presently pending claims are in condition for allowance and notification to that effect is requested. The Examiner is invited to contact the Applicants' representative at the below-listed telephone number if it is believed that the prosecution of this application may be assisted thereby.

Dated: February 24, 2009

Respectfully submitted,

By 

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